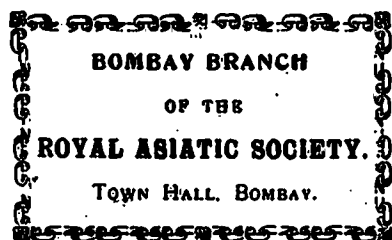




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PRACTICAL OBSERVATIONS

ON

THE FIRST TWO

1

OF

THE PROPOSED RESOLUTIONS

28012_{ac} ON THE

GOVERNMENT OF INDIA.

1858



LONDON:

WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.

1858.

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PRACTICAL OBSERVATIONS

ON THE

FIRST TWO OF THE PROPOSED RESOLUTIONS ON THE GOVERNMENT OF INDIA.

1. That, as the territories under the government of the East-India Company are by law to remain under such government only until Parliament shall otherwise provide;

From the terms of this resolution it might be supposed that the renewal of the Company's powers in 1853 was a mere temporary arrangement, and that the phrase "until Parliament should otherwise provide," was the expression of an intention on the part of Parliament to provide otherwise, at some not remote period. But this is not the fact. As is well known, the words were only used to show that the powers of the Company were renewed for an indefinite period, and not, as on former occasions, for a definite period of twenty years.

It is no peculiarity of the East-India Company's authority, that it exists only until Parliament shall otherwise provide. This is the case with all our institutions; and is no more a reason for abolishing the East-India Company, than for abolishing the courts of justice, or trial by jury.

The first clause of the resolution thus appears to have for its object to excuse the proposed change, by giving to be understood that its expediency was duly considered and affirmed by a former Parliament, though no such consideration or affirmation took place.

this House is of opinion that it is expedient that the transfer of such government to the Crown should now take place,

The transfer of the "government" of India to the Crown is an improper expression. The government of India, like that of all the rest of the empire is already in the Crown. The power of the Crown, when actually exercised, is more absolute in India than in any other part of the British dominions, except perhaps Gibraltar, or some other mere military position without any local institutions.

It is the *administration*, not the *government* of India, which is carried on by the East-India Company; and the Company conducts it for and under the Crown. It is the *administration* of India which it is proposed should be taken from the Company, and made over bodily to a Minister of the Crown; contrary to the whole practice of the Constitution, according to which direct administration by the cabinet is limited to the general affairs of the empire, all local affairs being, wherever possible, administered by some intermediate body, constituted for the purpose, and exclusively devoted to it.

in order that the direct superintendence of the whole

The *superintendence* of the empire by the Crown, so far as concerns

empire may be placed under one executive authority.

India, is as direct and complete already, as any change could make it. The proposal is, that the superintendence should cease to be "superintendence," and should become direct administration. The word superintendence, as used in the Resolution, only serves to shelter the substitution of one idea for another totally distinct from it.

Is it true that the direct *administration* of all the affairs even of England, is "under one executive authority"? On the contrary, it is shared by a multitude of authorities.

The currency and paper credit of the country are, like all other great national concerns, under the *superintendence* of the Crown. But they are *administered* by the Bank of England.

The protection of the navigation of the country, by lighthouses, buoys, &c., is a matter of far too great national importance not to be *superintended* by the Crown; but it is *administered* by the corporation of the Trinity House.

The civil and criminal justice of the country is *superintended* by the Crown, and in part even administered by judges whom the Crown nominates, but whom it cannot remove. Justice however is also *administered*, not only by the county magistrates, but by independent juries, in whose appointment the Crown has no voice.

The public provision for the poor,

and the levy and expenditure of the poor-rates, are *superintended* by a Commissioner who is one of her Majesty's Cabinet Ministers; but they are *administered* by the Boards of Guardians throughout the country, and by the parochial officers, under the orders of the Boards of Guardians.

The railway communication of the country is *superintended* by her Majesty's Board of Trade; but it is *administered* by the Boards of Directors of the various railway companies, under the provisions of their several Acts of Parliament.

Finally, the colonies are *superintended* by the governors appointed by the Crown; but, with some insignificant exceptions, they are *administered* by local cabinets virtually chosen by the parliaments of those colonies, and responsible to them, in the same manner as the Cabinet of the British empire is responsible to, and is virtually chosen by, the British Parliament.

So far therefore is the administration of India for and under the Crown by an independent body,* from being an exception to the general practice, and an anomaly in the Constitution, that the exception and the anomaly would lie in its being administered in any other manner. There is scarcely a single department of the business of the empire, except the army and navy, in which the authority of the cabinet

is not shared and in some degree checked, by some intermediate body. To establish the authority of a Cabinet Minister single and unchecked, over so vast a country as India, will be the introduction of a new practice, dangerous in the extreme to the stability of our free institutions, and subversive of the existing securities for the good government of the empire.

2nd. That for this purpose it is expedient to provide, that her Majesty, by one of her Principal Secretaries of State, shall have and perform all the powers and duties relating to the government of India, which are or may be now exercised and performed by the East-India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India.

This Resolution asserts two distinct propositions as if they were one and the same. One is that Her Majesty, by one of her Secretaries of State, should have all the powers now held by the East-India Company. The other is, that the Secretary of State should perform all the duties now performed by the Company.

The first proposition is nothing new, and requires no new legislation. The President of the Board of Control already has, with a few exceptions, all the powers of the East-India Company. Whatever act the Company can do, he also can do, except, in some cases, to incur expense; and whatever act the Company does, can only be done with his assent, except the recall of a Governor-General.

But, from possessing all the powers of the Company, to performing all its duties, there is a wide interval. The duties of the Company consist in initiating all Indian business, appointing all the highest functionaries in India, and preparing all orders and des-

patches to India for the approval of the Indian Minister. If Parliament resolves that these *duties* ought to be performed by the Crown, it resolves that the Minister of the Crown shall have the initiative, in addition to (what he already possesses) the ultimate decision. It resolves that there shall be no intermediate body which shall have any responsible share in the administration of India. It reduces the council which is provided for in the succeeding Resolutions, to a body of mere assessors, who may be consulted or not, as the Indian Minister pleases, and who will, at most, have no power but that of recording an unavailing dissent.

The great and fatal change in the government of India, from a government of constitutional checks to the autocracy of a Minister, will thus be effected by the first two Resolutions. If these pass, whether the remaining twelve are passed or not, will make very little practical difference.

These considerations forcibly suggest the propriety of postponing the first two Resolutions, until the other Resolutions shall have been discussed. The first two pledge the House to transfer the whole duty of administering India to an officer of the Crown. By the other Resolutions, the House will be asked to provide aids, and frame rules, to guide the officer of the Crown in the performance of the duty thus

intrusted to him. Would it not be wise in the House to begin by assuring itself that these aids and rules are sufficient, before pledging itself to confide the entire administration of a great portion of the British empire to a single Minister?

The preamble of a Bill is usually the last part voted. In the present case, the first two Resolutions are virtually a preamble; except that if passed they would be binding on the House even if all the other Resolutions were rejected; whereas the preamble of a Bill which does not pass, is never considered binding.

The first Resolution will pledge the House to abolish the present organ of Indian administration, before the House has begun to consider whether it can frame any new organ preferable to the present. The House will have bound itself to destroy the existing structure, before it has been asked to decide what shall be the plan of the new.

The second Resolution will decide that the new scheme of administration shall be the centralization of all functions in one man; before the House has had an opportunity of considering whether by any subsidiary organization, it can be made possible for one man to fulfil all these functions, or safe to intrust them to him.

The postponement therefore of the first two Resolutions, until the House

shall have discussed every provision of the new organization proposed by the remaining Resolutions, seems called for by every consideration of good sense and prudence.

A PRESIDENT IN COUNCIL

THE BEST GOVERNMENT

2

FOR

INDIA.



LONDON:

WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.

1858.

354.5409

Pre₁ Rec.

A PRESIDENT IN COUNCIL

THE

BEST GOVERNMENT FOR INDIA.

THERE are two political functions devolving on the British nation. It has to provide for its own government; and for the government of the much more extensive and populous countries which are dependent on it.

The majority however of its dependencies it has, wisely and necessarily, divested itself of the duty of governing; having found, after long trial, that it was unable to govern them satisfactorily. The only great outlying possession of the British Crown which is not now left substantially to its own government, is India.

The question is, in what manner Great Britain can best provide for the government, not of three or four millions of English colonists, but of 150 millions of Asiatics, who cannot be trusted to govern themselves. This is evidently a far more difficult task, than the one which the British nation acknowledges itself to have failed in. It is not likely that the very plan which has failed everywhere else, should be perfectly sufficient and satisfactory in the case in which the difficulties are the greatest. One would say, even before the subject is considered, that if success can be attained in such a case, it must be by some arrangement much more carefully and nicely adapted to the purpose.

Consider in what way the government of England itself is conducted. The English people may be supposed to know something of their own affairs. It may also be reasonably presumed that they feel an interest in them. They have every possible means of making their necessities, their grievances, and their opinions, known. When they have any wish in regard to their own Government, they usually demonstrate the wish in a thousand channels, by the press, petitions, and public meetings, before the Government takes the first step on the subject. And if the Government adopts any measure which the people, or even any fraction of the people, consider injurious to their interest, the first announcement causes it to be at once questioned in the press and in the House of Commons, and if general opinion is unfavourable there is time for the measure to be stopped before it has come into practical effect. These securities, as we know and lament, do not always prevent bad measures; but they do, for the most part, suffice to prevent inconsiderate ones. No Government feels it safe, in the home affairs of England, to take any step likely to lead to serious consequences, without previous weighing and deliberation. The checks do not operate so quickly in foreign affairs, and therefore it is generally felt that foreign, much more than home affairs, are conducted according to the individual and private preferences of the Minister, and much less according to either the interests or the wishes of the nation.

But in the government of India by a Parliamentary Minister, none of the checks exist at all. The public are never likely to hear of what is meditated, until actually done. When done, they seldom hear of it until the mischief, if there be mischief, is in part accomplished, and its reversal may be attended with greater evils than that of allowing it to subsist. Even when they do hear of it, they scarcely ever

obtain, until long afterwards, the materials for judging whether the measure was right or wrong. There would be all these difficulties in controlling the Minister, even if the public and Parliament were deeply interested and intent on Indian affairs. But, on the contrary, all except a few are in general entirely without interest in the subject, because they have no knowledge of it, and because their time and attention are taken up by things nearer at hand. Among the few who do attend to the subject, neither the public nor Parliament have the means of distinguishing those who, from character and knowledge, have the best claim to be followed as guides. A Minister, probably very little acquainted with the questions which he is to decide, has nothing to compel him either to study them and deliberate on them in his own mind, or to attend to the suggestions of those who have already studied them, except a nominal responsibility to a body who have no means of accurate knowledge, and who are in general too indifferent to the subject to apply to it even such knowledge as they might obtain.

It is in circumstances like these that Parliament is asked to give over India to the sole government of a Minister, usually altogether ignorant of it when first appointed, and changed every two or three years. And it is gravely said that we need not fear to confide absolute power to absolute ignorance, in reliance that if the natural effects follow, Parliament will *punish* the Minister for his misconduct.

As it cannot be desired that the policy of the Indian Government should be a policy of ignorance, or that it should be changed every time a Minister is promoted or turned out; and as there is no public or Parliament to supply knowledge of Indian affairs, as knowledge of English affairs is in some measure supplied, the knowledge must be furnished to the Minister in his own office. There must be in the department itself a body which knows India, and is

the guardian and conservator of the principles of administration which experience has approved, or which knowledge sanctions. Those who object to a Council constituted for the purpose, must intend that the clerks in the office should be this body. But the proposal to confide the habitual Government of India to persons whom the public generally do not know even by name, and never know whether their advice is taken or not, is rather remarkable as coming from the zealots for responsibility. The real friends of responsibility are those who would have this function exercised by a Council, who can be made responsible.

But a Council which the Minister need not consult, will be little better, if not worse, than leaving him with no other competent advisers than the clerks in his office. He cannot shelter his own responsibility behind the clerks. They cannot serve him as a screen. The Council may. And if it is left to him to determine their functions, that is the chief use to which he will probably apply them. In no one of the three plans brought before the House of Commons by its accustomed leaders, is there any inducement given to the Minister for consulting the Council, if he has reason to expect that they will differ from him in opinion. Lord Ellenborough has very truly and laudably said, that the Minister will want their support, to protect India from the mistakes of Parliament and of English opinion. But India needs protection also against the Minister's own mistakes. Parliament, however misled, can only exert its power slowly, and after discussion: the Minister, in half an hour, may issue a despatch, the evil consequences of which years may not suffice to cure. If the Council is fit to support the Minister when he is right, it will be fit to check him when wrong. And its support is not likely to carry any weight when it agrees with him, if it is not allowed to differ, or is not asked its opinion unless willing to agree.

To make the Council a real security for good government, all business which requires deliberation, or admits of difference of opinion, ought to be transacted by the Minister *in* Council. It is on this principle that the British Government in India itself is constructed, and it works most effectively. The Governor-General, or the Governor of a Presidency, performs his manifold duties in conjunction with Councillors, not of his own nomination. They are appointed, theoretically, by the same authority which appoints himself; but practically by a different authority, the Governor-General or Governor being in fact selected by the Queen's Minister, the Members of Council by the Court of Directors. As an ordinary rule, all questions are decided in Council according to the opinion of the majority; but their opinion is not binding on the head of the government. When he pleases, he can, recording his reasons, set aside the opinion of the Council, and act on his own sole responsibility; but he must go through a particular form for that purpose, which gives a deliberate, and in some degree a solemn, character to the act. On this system the members of Council feel themselves a real and substantial element in the government; their best thoughts are given to every question which presents itself, their opinion is recorded and has its just weight, while they have no power of authoritatively opposing themselves to the deliberate opinions and purposes of the head of the government.

The same principle, applied to the home administration, would give probably the best organ of Government for India, which circumstances admit of. The authority should be that of the President, but of the President in Council. The deliberation should be as much that of the whole body, as if the body and not the head had the power of deciding in the last resort. The general practice in that case would probably be, to decide, (as at Calcutta,) according to the sense of the

majority, the President's vote only counting for one. But he would have the power, after he had consulted his Council, on declaring his intention in a prescribed form, and recording his reasons, to act on his own separate opinion in opposition to theirs. According to this plan, the ordinary conduct of business falls by the natural working of things, without any special provision for the purpose, into the hands of those who know most of the subject; and the minds which really determine what is done, are associated, as they ought to be, in the responsibility. Yet the Minister's responsibility, even for the ordinary business, would never be felt to be impaired, no more than the responsibility of Lord Wellesley or Lord Dalhousie was impaired by the advisers with whom they were associated; while the Minister would be subjected to an additional and special responsibility, when he chose to set aside his Council. And this is surely right. If there be any case whatever in which deliberation, and a sense of responsibility, are peculiarly necessary, it is when one man, often not qualified by special training, assumes to be a better judge of a subject, than a body of men expressly selected for their knowledge of it, and their competency to advise on it.

THE MORAL
OF 3
THE INDIA DEBATE.

LONDON:
WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.
1858.

32815403

THE MORAL

OF

THE INDIA DEBATE.

THE proceedings at home, consequent on Lord Canning's proclamation, have a most important bearing on the intended changes in the mode of administering India. They are a timely warning, how a Minister governs India, when he is under no check but responsibility to Parliament, and how Parliamentary responsibility, when really enforced, is likely to work. .

In writing his despatch, Lord Ellenborough was in the position, in which the Minister for India will always be, under the proposed new constitutions. He was without a Council: or rather, he passed over his Council. The despatch was in the Secret Department, that is to say, it was not brought before the Court of Directors. There was no compulsion on Lord Ellenborough to write on this sub-

ject in the Secret Department. It would have been perfectly regular to lay the papers before the Directors, and allow, or if necessary require them, to prepare a despatch to the Governor-General on the proposed proclamation. But no such despatch as Lord Ellenborough's could have passed the Court of Directors; nor could such a despatch have been substituted for theirs by his authority as President, without giving rise to remonstrances and protests which no Minister would have liked to see produced in Parliament.

This despatch is therefore a fair specimen of what a Minister may do, when he is at liberty to disjoin himself from his Council. Let us now for a moment consider the despatch itself.

Observe, that it is the production of a man who is a favourable specimen of an Indian Minister. He is not such a man as we may generally expect, ignorant of India, appointed because a Cabinet office must be found for him, and because public opinion will not allow him to be placed in any other than that of Indian Minister. Again, the despatch was written with the very best intentions. Not only was its purpose good, but its principles were sound. Its principles were, to stigmatize confiscation, and condemn vindictive severity against a conquered enemy.

Wherein then did the despatch err? Its epi-

grammatic style was a minor fault, to which importance was only given by the publication of the despatch. Its errors were substantial and serious.

In the first place it gave Lord Canning no benefit from his well-ascertained and dearly-earned character for mercy. It did not allow the presumption drawn from the whole of his past conduct, to count in explanation of the particular act incriminated. If instead of firmly resisting the raveous cry for blood; which by its effects has nearly rendered the good government of India impossible for a generation to come, Lord Canning had implicitly yielded to that savage howl, a worse interpretation could scarcely have been put on his intentions, than Lord Ellenborough hastened to put upon a single unexplained act of the man who had merited the designation of "Clemency Canning."

But the despatch had another fault no less grave, and which would have been equally a fault, even if Lord Canning had been less deserving of consideration. In a time of emergency, it arrested a policy in mid-course. There could be no doubt that Lord Canning had made a deliberate choice among several modes of action, each of which had its peculiar advantages. Lord Ellenborough might think that he had not chosen the best; but unless he was totally unfit to be Governor-General, the course he selected must have had some considerable recommendations,

some chances, to say the least, of attaining the object. To have instructed him beforehand not to adopt that course, would have been one thing, which might have been either wise or foolish. But to stop him when he had adopted it, and committed himself to it, but before it had produced its results, was to throw away the chances of good which that course held out, without gaining those of any other. It was as if the Minister, under the belief that it would have been better to clear Rohilcund before attacking Oude, had by telegraph recalled Sir Colin Campbell from the gates of Lucknow.

Contrast with this the conduct of the Court of Directors.

A few days after the date of Lord Ellenborough's despatch, but without being aware of it, they framed instructions to Lord Canning respecting the treatment of the Oude insurgents, which have been laid before Parliament, and which embodied all the sound and humane principles of the despatch, without its irritating language. As soon as they were made acquainted with the unmerited censure passed on Lord Canning, they recorded a vote of undiminished confidence in his merciful intentions. They thus combined the inculcation of what is admitted to be the right rule of conduct, with full justice to the functionary who was prematurely charged with having infringed it.

This is what took place under the calumniated double government. Lord Ellenborough's despatch exemplifies the single government of a Minister responsible only to Parliament.

Let us now consider the second lesson to be derived from these proceedings; the light which they throw on the natural working of the boasted Parliamentary responsibility. For, through the rare accident that a Ministry is in office which does not possess a majority in the House of Commons, the present has happened to be the one case in a thousand in which the responsibility is real. The Minister really has lost office in consequence of his despatch. Now see at what price this result has been obtained.

In the first place, the greatest practical evil of the despatch arose from the publicity given to it. As long as its existence was a secret between Lord Canning and the Minister, it might have tied his hands in an emergency, but it could not have impaired his influence in India, and his justification might have arrived in time to change the reproof into approbation. But the publication of the despatch, which the Government itself condemns, and which all agree in regarding as the worst part of what has taken place, is the direct consequence of the accountability to Parliament. But for that accountability, Mr. Bright would not have asked for

the despatch, nor would Lord Ellenborough have produced it. Neither was this premature publicity a casual consequence. It will be a natural and frequent one, when there is no check upon the administration of India except the control of Parliament. If the Minister is to be called to account *there* for the mistakes he commits in governing India, it must be done immediately. What Minister ever was censured by Parliament for the part he took in events long past and gone? His party opponents will seize on the subject while the public mind is intent on it; and unless he is strong enough to defy responsibility, all he has done or written will be published *then*, and will *then* become the text of criminary or defensive declamation; while the effect of the publicity on the interests of India, or on the security of our empire there, will be secondary to the important question, whether one man, or another much the same as he, shall sit for a while on the Treasury bench.

The accountability of Ministers to Parliament was carried into effect in this instance by a debate of one night's duration in the House of Lords, and three nights in the House of Commons. A full half of the discussion, and the whole of the result, turned not upon India, but upon whether Members of Parliament desired, for English purposes, that Lord Derby's Government should or should not continue

in office. Had it been known beforehand which of these was the desire of the majority, the issue of the debate could have been predicted. It issued in nothing at all, because neither party knew, and both shrunk from having it brought to the test of a division, whether there was a majority or not for turning Lord Derby out of office. This fortunate uncertainty has prevented great mischief. For if the debate had ended in any vote, that vote would have been understood in India either as a condemnation of clemency, or as a condemnation (followed probably by the resignation) of Lord Canning, the patron of clemency. Even as it is, the mischief is not trifling. On those great questions relating to the future government of India on which it was of the utmost importance that England should seem to be unanimous, she has been held forth as divided. Our enemies in Europe have been supplied with a fresh stock of calumnies against us from our own lips; while all Indian malcontents have had arguments put into their mouths which they themselves would never have dreamt of, and have been encouraged to hope that they may make or find a party in Parliament. All respect and fear of England as a nation will be materially weakened in the East; for, that there may be firm action notwithstanding divided councils, or that a government can be really formidable which allows itself to be bearded and

its acts railed at to its face, is a truth which it requires a much higher civilization than that of Orientals to understand or credit.

All these things are necessary results of the play of the machinery through which Parliamentary responsibility operates. And if all other checks are taken away, these results may be expected more and more. No one denies it to be necessary that Parliamentary responsibility should exist in reserve; but the object should be, to dispense as much as possible with the need of actual recourse to it, by providing another restraint; a restraint acting before the mischief is done, not after, and producing its effect not by acrimonious controversy in the face of the world, but by peaceful discussion in a council-room. This can only be done by giving the Minister an independent Council, having the initiative of business, and by making it impossible for him to take any important measure without first listening to their advice.

A
CONSTITUTIONAL VIEW
OF
THE INDIA QUESTION.

4

LONDON:
WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.
1858.

342.5103

Con/ron

A CONSTITUTIONAL VIEW
OF
THE INDIA QUESTION.

• THE proposal to extinguish the East-India Company, and to place the whole administration of India in the hands of a Minister and a Council, without any substantial power, is an ominous advance in that centralisation of all the functions of Government in the hands of the Cabinet, so justly deprecated by the soundest thinkers, whether of Liberal or Conservative opinions.

Next to a national representation, the most important of all political principles is, that the only affairs directly administered by the Imperial Government should be the general affairs of the nation; and that all local affairs, whether they be those of any particular part of the United Kingdom

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or of any foreign dependency, should, if possible, be administered by some intermediate body, constituted expressly for the purpose.

The general concerns of the empire are sufficient to occupy the whole time and thoughts of her Majesty's Ministers. They cannot possibly make themselves properly acquainted with the affairs of every separate locality or dependency of the empire. They are not, and cannot be, appointed to office on account of their knowledge of the affairs of localities or dependencies.

Besides, it is admitted that the only security for the good conduct of any portion of the national affairs which is entrusted to Ministers, lies in the control of Parliament. And with regard to the general affairs of the empire, this control is efficacious. But Parliament, no more than Ministers, has time either to study or to deliberate on local affairs; and it is not in the nature of things that more than a few members of Parliament should be well acquainted with, or feel any strong interest in, the affairs of any particular locality. Local affairs, therefore, unless when private interests were concerned, would generally be left entirely to Ministers; and not only would they be almost sure to be mismanaged, but the power and patronage which their management would confer, and the habit engendered of looking entirely to the Ministers of the Crown as the source

of all authority, would be dangerous to the liberty and safety of the nation.

These are not new doctrines, but the acknowledged principles of the Constitution. All sound thinkers in other countries are sensible of their value, and declare with one accord that the power which the central Governments of the Continent exercise in local affairs, and the dependence upon the Government of every intermediate body which discharges important administrative functions, are the great cause why the principal nations of the Continent, among all their revolutions, have never yet succeeded in acquiring liberty.

In England this evil has hitherto been avoided. The English people have always managed their local affairs for themselves, without the interference of the Government. Almost all the British Colonies have, from their first foundation or acquisition, enjoyed in a great degree the same advantage. They have had local Parliaments for their domestic administration ; and though a Minister in London long continued to control and thwart the action of those local bodies, each colony as it advanced in prosperity showed such a determination to emancipate itself from the interference of the Imperial Government in affairs not of Imperial interest, that they at last succeeded in attaining their object.

The greatest dependency of the Crown, India, is,

by general admission, not capable of administering its own affairs by a representative system. This, however, does not diminish, but increases, the mischief and danger of its administration by the unchecked power of a Cabinet Minister. There is far more danger in India than in any Colony, of the ignorant or corrupt misuse of Ministerial power; because India is less understood than any Colony, because its people are less capable of making their voice heard, and because it is more difficult for Parliament to interfere in its administration with adequate knowledge, than in the affairs of any Colony.

India has hitherto been administered, under the general control of Parliament, by a body, who holding aloof from the party conflicts of English politics, devoted their whole time and energies to Indian affairs. The great Corporation, which gained India for this country, has hitherto been considered the best qualified to conduct its administration, under the authority of the Crown, subject, when necessary, to the veto of the Board of Control.

It is now proposed to abolish this intermediate body, and to impose upon India the exclusive government of a Cabinet Minister, which every important Colony has found it impossible to bear. The yoke of the old Colonial Office, which the Colonies, one after another, have rejected and thrown off, is to be laid upon India.

The reason assigned is, the supposed evil of double government and divided responsibility.

Without discussing what is the value of these objections in the case of India, it is sufficient to observe that they are applicable to every British institution, under which any of the affairs of the public are administered by an authority independent of the Cabinet.

Already the management of the Light-houses of Great Britain by the Corporation of the Trinity-House, a management which is the admiration of Europe, is assailed as a "double government," by (among others) a member of the late Administration. The Trinity-House is apparently marked out as the next victim.

The management of the poor, and the control of the poor-rates, are shared between a Government Board and the local Boards of the various Poor Law Unions. Double government; divided responsibility. Abolish the Boards of Guardians. Concentrate all power in the Central Board. Let the Crown appoint all overseers; and let them, under the Board's orders, fix the parochial rates, and exclusively control their expenditure.

The sanitary administration of towns is shared between a Government Board, and the Corporations and other local authorities. Double government; divided responsibility. Give all the power

to the Board of Health; allow the Board to construct works and establish sanitary regulations at its pleasure, and to tax the inhabitants of the towns for defraying the expense.

The popular education of the country is partly administered by the Committee of Council for Education, and partly by private trustees or voluntary associations. The schools of the country are mostly supported by the one authority, and inspected by the other. Double government; divided responsibility. Let no trustees or voluntary associations have anything to do with schools. Place the whole responsibility on the Committee of Council: let them maintain schools for the whole country, levy school-rates to pay their expenses, appoint the teachers, and fix the course of instruction.

There was lately a Railway Board; and its powers still exist, though transferred to the Board of Trade. The general Government interferes largely in the affairs of railway companies. Parliament sanctions the lines, and fixes a maximum of rates. A Government officer inquires into all accidents, and no line can be opened until declared safe by a Government engineer. Double government; divided responsibility. Let the Government take possession of all the railways; or let it appoint the chairman of every railway company, and let him

govern, consulting or not the directors and proprietors, as he pleases.

The highways, the gaols, the county rates, and the administration of justice at sessions, are conducted by intermediate bodies — the Justices of Peace. These are already nominated by the Minister (on the recommendation of the Lord Lieutenant), and removable by him; but as it is not usual to remove them except for proved misconduct, they are practically independent, and in the exercise of their functions they are not obliged to be the instruments of a Minister. This, in the opinion of the enemies of double government, must be a great evil. Why should not magistrates be appointed for six years only? Why should not the chairman of sessions be appointed by the Crown, and all county business be transacted by him and a few clerks; the other magistrates being only summoned when he thinks fit, and, when summoned, their opinion being only attended to if he chooses?

The general administration of justice is shared between a judge appointed by the Crown, and a jury of citizens. Double government; divided responsibility. Let the judge alone decide: if he pleases, he may consult a jury; and if he pleases, he may adopt their verdict.

It is superfluous to carry the illustration further.

If the cry of Double Government is to prevail, none of the free institutions of this country, except perhaps the House of Commons, are safe ; and we may be thankful if the principle is not applied to Parliament too. All government, except the single government of one man, is double government, or treble government, -or quadruple government ; and if the people of England, in a case of such magnitude as India, allow this plea to be successful, and the intermediate body which administers that country under the Crown to be superseded by the undivided power of a Minister and his subordinates, they will sanction a principle and establish a precedent which they may before long have reason to regret.

THE END.

OBSERVATIONS

ON THE

5

PROPOSED COUNCIL OF INDIA.

LONDON:

WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.

1858.

328. 3 0954 03

OBSERVATIONS

ON

THE PROPOSED COUNCIL OF INDIA.

THE House of Commons has virtually decided that the home administration of India shall be carried on by a Minister of the Crown with the assistance of a Council.

It is still to be determined in what manner the Council shall be composed.

The three principal leaders of sections in Parliament, have proposed as many different plans for the composition of the Council.

Lord Derby proposes that it should be partly nominated by the Minister, and partly elected by a constituency.

Lord Palmerston proposes that it should be wholly nominated by the Minister, and that each member should hold office for only six years, unless reappointed.

Lord John Russell proposes that it should be wholly nominated by the Minister, but that the members should hold office, like the judges, during good behaviour, that is, virtually for life.

Which of these is the preferable scheme?

The answer depends on whether it is intended that the

Council to be associated with the Minister, should be a check, or a screen. It will necessarily be either the one or the other.

If it is intended to be a screen, Lord Palmerston's plan deserves the preference. The Council should be selected by the Minister, and should be dependent on him for remaining in office.

But if it is to be anything else than a screen, independence must be secured to it. For this purpose it is best of all, that either every member of Council, or a preponderant majority, should be elected. But if nominated, then it ought not to be in the power of any Minister to remove them.

If any one thinks that it is a matter of small importance whether the Council is independent or not, he must think that it is of small consequence whether there is a Council or not. For it is better there should be no Council at all, than a sham Council.

But to suppose that the existence and the independence of the Council are of little importance, is to overlook all the essential circumstances of the case. The good government of India will entirely depend upon the Council. If India is well governed, it will be because the Council will be capable of well governing it: for the minister, as distinguished from the Council, usually will not.

All the requisites for the good government of India will be found in the Council, if rightly composed. None of the requisites are likely to be often found in the Minister to whom the tactics of party may transfer the Indian Department.

The members of Council may be, and are intended to be, chosen for their knowledge of India. The Minister is chosen because he has a Parliamentary position, either from his rank, or from his powers of speaking, which are more likely to have been exercised on any other subject whatever than on India.

The Minister, before he has had time to learn his business, is out of office. The Council may be, and ought to be, a permanent body.

Even while the Minister is in office, India will be one of the smallest of his concerns. The maintenance in power of the Ministry and the party to which he belongs, and the support of the general policy of the Ministry and of the party, will be at all times his principal objects. And these objects will not be much promoted by good government in India; nor much impeded by bad; because neither the English Parliament, nor the English public, will generally know anything either of the one or of the other.

There is one point in which the Minister's position is supposed to be more favourable to good government than the position of the Council; responsibility. But there cannot be a greater error. The sort of responsibility to which the Minister is subject, is no security at all for good government. The only way to make responsibility of any use, is to impose the responsibility on the Council.

The Council, in the first place, has nothing to do with the general business of the empire. It is concerned with India, and India only. All its thoughts must be given to India. All the credit it can hope for, must be derived from India only.

The Council, moreover, is or ought to be a permanent body. Its interest, then, is identified with the *permanent results* of the mode in which India is governed. Its estimation, its position in opinion, perhaps its tenure of office, depend on permanent results. This is not the case with the Minister. He will have ceased to be in office long before the permanent results of his policy can disclose themselves; and when they do disclose themselves, it will hardly be remembered, and perhaps will hardly be distinguishable, whether his acts, or those of his predecessors or successors, are accountable for them.

The responsibility of the Minister, therefore, will not depend on the general results of his policy. He will seldom have either the credit of them if they are good, or the discredit if bad. What is called his responsibility to Parliament, will not be of the kind which would maintain him in well-doing. It will operate in a totally different manner. Its principal tendency will be, to make him afraid of doing anything which any person who has the ear of the House of Commons, opposes; or of opposing anything which any such person demands. His responsibility will not be to Parliament, but to a few speakers in Parliament. It will mean, liability to a debate in the House of Commons. To get rid of a debate, by every sort of concession, will be the course to which his responsibility will prompt him; for he will have no reason to expect that he will be the person to answer for the ultimate consequences of the concession. And on these occasions, it is always the people of India who will be sacrificed. The people of India have no means of interesting any one in standing up for them; while all who prey upon the

people of India have. It may be said, the Minister may be a man of principle; he may disregard these considerations, and follow his own conviction of right. But if he does so, it will not be in consequence of his responsibility. It will be in spite of his responsibility. It will be because he cares less for his responsibility than for his duty.

It is believed that an examination of several recent instances in which the responsibility for measures has been transferred from a Board out of Parliament, to a Minister in it, would show, that the result has been not to accelerate, but on the contrary, to arrest improvement. The permanent Boards were identified with the general success of their administration. The Minister is only responsible for keeping on good terms with all individuals and all interests powerful enough to give him trouble.

REPORT

TO

THE GENERAL COURT OF THE EAST-INDIA COMPANY
FROM THE COURT OF DIRECTORS,

UPON THE

6

TWO BILLS NOW BEFORE PARLIAMENT

RELATING TO

THE GOVERNMENT OF INDIA.

LONDON:

PRINTED FOR THE COURT OF DIRECTORS OF THE EAST-INDIA COMPANY BY

COX & WYMAN, 74-5, GREAT QUEEN STREET,

LINCOLN'S-INN FIELDS.

1858.

328.573.0759.03

Ky/RaP

At a COURT OF DIRECTORS of the EAST-INDIA COMPANY,
held on Tuesday, the 6th April, 1858 :—

THE Chairman, drawing the Court's attention to the two Bills now before Parliament relating to the Government of India, submitted the Draft of a proposed Report to the General Court of Proprietors on the subject ; Whereupon,

It was agreed, that the same be referred to the consideration of a Committee of the whole Court.

The Court being resumed, and a Report from the Committee being read :

Resolved,—That this Court approve the said Draft of a Report, as altered by the Committee ; and that the same be laid before the General Court of Proprietors to be held to-morrow.

At a SPECIAL GENERAL COURT of the EAST-INDIA COMPANY, held at the East-India House, on the 7th April, it was ordered, That the said Report be printed.



R E P O R T

FROM

THE COURT OF DIRECTORS OF THE EAST-INDIA
COMPANY TO THE GENERAL COURT
OF PROPRIETORS.

IT is the duty of your Directors to lay before the Proprietors the two Bills which have been introduced into Parliament by the late and by the present Ministry, for divesting the East-India Company of all participation in the government of India, and framing a new scheme of administrative agency.

On former occasions when the Ministers of the Crown have submitted measures to Parliament for altering, in any manner, the constitution of the Indian Government, the substance of the measures has been officially communicated to the Court of Directors, and an opportunity allowed to them of offering such remarks as their knowledge and experience in Indian affairs might suggest. The correspondence being afterwards laid before the Court of Proprietors, formed the most appropriate report which the Directors could make to their constituents on the measures under consideration by the Legislature. In the present instance, this opportunity not having been afforded to them, it appears desirable that they should adopt the present mode of laying before the proprietary body the observations which it is entitled to expect from its executive organ,

on the Bills now before Parliament, and on the present posture of the Company's affairs.

The Directors cannot but advert with feelings of satisfaction to the altered tone which public discussion has assumed in regard to the character of the East-India Company, and the merits of the administration in which the Company has borne so important a part. The intention of proposing the abolition of the Company's government was announced in the midst of, and it may be surmised, in deference to, a clamour, which represented the government of India by the Company as characterized by nearly every fault of which a civilized Government can be accused, and the Company as the main cause of the recent disasters. But in the parliamentary discussions which have lately taken place, there has been an almost universal acknowledgment that the rule of the Company has been honourable to themselves and beneficial to India; while no political party, and few individuals of any consideration, have alleged anything seriously disparaging to the general character of the Company's administration. So far, therefore, the stand made by the Company against the calumnies with which they have been assailed, may be considered to have been successful.

But the admission generally made, and made explicitly by the proposers of both the Bills, that the existing system works well, has not had the effect of inducing doubt of the wisdom of hastily abolishing it. Neither does it seem to have been remembered, that if the system has worked well, there must be some causes for its having done so, and that it would be worth while to consider what these are, in order that they might be retained in any new system. If the constitution which has made the Indian Government what it is, must be abolished, because it is thought defective in theory, what

is substituted should at least be theoretically unobjectionable. But the constitution of the East-India Company, however anomalous, is far more in accordance with the acknowledged principles of good government than either of the proposed Bills.

The nature of the case is, indeed, itself so anomalous, that something anomalous was to be expected in the means by which it could be successfully dealt with.

All English institutions and modes of political action are adapted to the case of a nation governing itself. In India, the case to be provided for is that of the government of one nation by another, separated from it by half the globe; unlike it in everything which characterizes a people; as a whole, totally unacquainted with it; and without time or means for acquiring knowledge of it or its affairs.

History presents only two instances in which these or similar difficulties have been in any considerable degree surmounted. One is the Roman Empire; the other is the government of India by the East-India Company.

The means which the Bills provide for overcoming these difficulties consist of the unchecked power of a Minister. There is no difference of moment in this respect between the two Bills. The Minister, it is true, is to have a Council. But the most despotic rulers have Councils. The difference between the Council of a despot and a Council which prevents the ruler from being a despot is, that the one is dependent on him, the other independent; that the one has some power of its own, the other has not. By the first Bill, the whole Council is nominated by the Minister; by the second, one-half of it is nominated by him. The functions to be intrusted to it are left, in both, with some slight exceptions, to the Minister's own discretion.

The Minister is indeed subject to the control of Parliament and of the British nation. But though Parliament and the nation exercise a salutary control over their own affairs, it would be contrary to all experience to suppose that they will exercise it over the affairs of a hundred millions of Hindoos and Mahomedans. Habitually, they will doubtless be hereafter, as they have been heretofore, indifferent and inattentive to Indian affairs, and will leave them entirely to the Minister. The consequence will be, that in the exceptional cases in which they do interfere, the interference will not be grounded on knowledge of the subject, and will probably be for the most part confined to cases where an Indian question is taken up from party motives, as the means of injuring a Minister; or when some Indian malcontent, generally with objects opposed to good government, succeeds in interesting the sympathies of the public in his favour. For it is not the people of India, but rich individuals and societies representing class interests, who have the means of engaging the ear of the public through the press, and through agents in Parliament. And it is important to remark, that by the provisions of either of the Bills the House of Commons will be rendered even less competent, in point of knowledge of Indian affairs, than at present, since by both Bills all the members of the Council of India will be excluded from it.

The government of dependencies by a Minister and his subordinates, under the sole control of Parliament, is not a new experiment in England. That form of colonial government lost the United States, and had nearly lost all the colonies of any considerable population and importance. The colonial administration of this country has only ceased to be a subject of general condemnation since the principle has been adopted of

leaving all the important colonies to manage their own affairs,—a course which cannot be followed with the people of India. If the control of Parliament has not prevented the habitual mismanagement of countries inhabited by Englishmen like ourselves, who had every facility for representing and urging their grievances, it is not likely to be any effectual protection to Mussulmans and Hindoos.

All governments require constitutional checks ; but the constitutional checks applicable to a case of this peculiar kind, must be found within the governing body itself.

Though England as a whole, while desiring nothing but to govern India well, is necessarily ignorant of India, and feels, under ordinary circumstances, no particular interest in its concerns, there are in England a certain number of persons who possess knowledge of India, and feel an interest in its affairs. It seems, therefore, very desirable, for the sake of India, that England should govern it through, and by means of, these persons. This would be the case if the organ of government principally consisted of persons who have passed a considerable portion of their lives in India, or who feel that habitual interest in its affairs which is naturally acquired by having aided in administering them ; and if this body, or a majority of it, were periodically elected by a constituency composed of persons in England who have served the Government for a certain length of time in India, or whose interests are connected with that country by some permanent tie. It would be an additional advantage if this constituency had the power of requiring information, and compelling a public discussion of Indian questions. These are conditions which, to a considerable extent, the existing constitution of the East-India Company fulfils.

The other great constitutional security for the good

government of India lies in the forms of business. This is a point to which sufficient importance is not generally attached. The forms of business are the real constitution of India.

From the necessity of the case, recognized in both the proposed measures, the administration must be shared, in some proportion, between a Minister and a Council. The Council may consist of persons possessing knowledge of India. The Minister, except in very rare cases, can possess little or none. He is placed in office by the action of political party, which is governed by considerations totally unconnected with India, and, in the common course of politics, he is removed from office by the time he has been able to learn his duty. Even in the unusual case, of which present circumstances are an example, when the Minister has made himself acquainted with India through the discharge of high functions in India itself, his knowledge is but the knowledge of one man; and one man's knowledge of a subject like India, until corrected and completed by that of other men, is, it may safely be affirmed, wholly insufficient, and if implicitly trusted, even dangerous. The good government, therefore, of India, by a Minister and a Council, depends upon the amount of influence possessed by the Council; and their influence depends upon the forms of business.

However experienced may be the Council, and however inexperienced the Minister, he will have the deciding voice. The power will rest with one who may know less of the subject than any member of the Council, and is sure to know less than the Council collectively, if they are selected with ordinary judgment. The Council will have no substantive power, but only moral influence. It is therefore all important that this influence should be upheld. Unless the forms of business are such as to

insure that the Council shall exercise its judgment on all questions; that all matters requiring decision shall be considered by them, and their views recorded in the initiatory stage, before the Minister has committed himself to an opinion, they will possess no more weight or influence than the same number of clerks in his office (whom also he can consult if he pleases), and the power of the Minister will be practically uncontrolled.

In both the Bills these considerations are entirely disregarded. The first Bill does not establish any forms of business, but leaves them to be determined by the Minister and his Council; in other words, by the Minister. Even, therefore, if the Minister first appointed should be willing to establish forms which would be any restraint upon himself, a subsequent Minister would have it in his power to alter the forms in any manner he pleased.

The second Bill, unlike the first, does establish forms of business; but such alone as would effectually prevent the Council from being a reality, and render it a useless pageant.

To make the Council a merely consultative body, without initiative, before whom subjects are only brought after the Minister has made up his mind, is already a fatal inroad upon its usefulness. But by the second Bill the Council are not even a consultative body. The Minister is under no obligation to consult them. They are not empowered to hold any regular meetings. They are to meet only when the Minister convenes them, or on a special requisition by six members. He may send orders to India without their knowledge when the case is urgent, of which urgency he is the sole judge. When it is not urgent, his orders must be placed in the council-room for the perusal of the members for seven days, during which they are not required, but permitted, to give their opinion,

not collectively, but individually. Their only power, therefore, is that of recording dissent from a resolution not only taken, but embodied in a despatch. And as if this was not enough, provision is made that an office always invidious, shall be incapable of being fulfilled in any but the most invidious manner. The members of Council must come forward individually in declared opposition to the Minister, by volunteering a protest against his announced intentions, or signing a requisition for a meeting of Council to oppose them. Such a Council is fitted to serve as a shield for the Minister's responsibility when it may suit him to seek, and them to accord, their adhesion, rather than as a restraint on his power to administer India according to his individual pleasure.

The Directors are bound to admit, that the first of the Bills contains several provisions indicative of a wish to assure to the Council a certain, though small, amount of influence. The administration is to be carried on in the name of the President in Council, and not, as by the second Bill, in that of the Secretary of State alone. The Council, as well as the President, has a voice in the appointment of the home establishment; while in the second Bill all promotions and all appointments to the principal offices under the Council, rest with the Secretary of State, exclusively, a provision which divests the Council of all control or authority over their own establishment. Again, by section XII. of the first Bill, no grant involving increase of expenditure, and no appointment to office or admission to service, can be made without the concurrence of half the Council. This, as far as it goes, is a real power, but its value is much diminished by the consideration that those by whom it is to be exercised, are the nominees of the Minister, dependent on him for their continuance in office after a few years.

In some other points the provisions of the second Bill seem to have the advantage. Its Council is more numerous; to which, however, little importance can be attached, if the Council has no substantial power. It also recognizes that the whole of the Council ought not to be nominated by the Minister, and that some part of it should be elected by a constituency specially qualified by a knowledge of India. But even in these, the best points of the Bill, it is, in the opinion of the Directors, very far from unexceptionable. The nomination of even half the Council by the Minister, takes away all security for an independent majority. It may, indeed, be doubted whether there is any sufficient reason for the Minister's nominating any portion, except the supposed reluctance of some eligible persons to encounter a canvass. The proportion of one-third, whom the Minister now nominates to the Court of Directors, seems the largest which, consistently with full security for independence, can be so appointed.

The provision that each of the members nominated by the Crown shall be selected as the representative of some particular branch of the service in India, is still more objectionable. Not only would it preclude the nomination of the most distinguished man, if the seat in Council appropriated to the department in which he had served were not at the time vacant, but it would introduce a principle which cannot be too strongly deprecated,—that of class legislation. The Council should comprise the greatest attainable variety of knowledge and experience, but its members should not consider themselves as severally the representatives of a certain number of class interests.

The clause which continues to the Proprietors the power of electing some portion of the Council is, so far, deserving of support; and the principle of enlarging the

constituency by the addition of persons of a certain length of Indian service and residence, is, in itself, unexceptionable ; but unless guarded by provisions, such as have never yet been introduced into any electoral system, so large and scattered a constituency as that proposed would greatly add to the inconvenience of canvass, especially as it is not certain that the new electoral body would adopt, from the old, the salutary custom of re-electing, as the general practice, whoever has been once chosen, and has not, by misconduct or incapacity, deserved to forfeit their confidence. The duties of a Member of Council would be entirely incompatible with a continually-recurring canvass of the constituency.

Respecting the proposition for giving the choice of five Members of Council to the Parliamentary constituencies of five great towns, the Court of Directors can only express a feeling of amazement. It is not the mere fact of election by a multitude that constitutes the benefits of the popular element in government. To produce those benefits, the affairs of which the people are enabled to control the management must be their own affairs. Election by multitudinous bodies, the majority of them of a very low average of education, is not an advantage of popular government, but, on the contrary, one of its acknowledged drawbacks. To assign to such a constituency the control, not of their own affairs, but of the affairs of other people on the other side of the globe, is to incur the disadvantages of popular institutions without any of the benefits. The Court of Directors willingly admit the desirableness, if not necessity, of some provision for including an English element in the Council of India ; but a more objectionable mode than the one proposed of attaining the object, could scarcely, in their opinion, be devised.

Besides the provisions which relate to the organ of

Government in England, the Bills contain provisions relating to India itself which are open to the strongest objection.

The appointments to the Councils at Calcutta and at the subordinate Presidencies, which are now made by the Court of Directors, with the approbation of the Crown, are transferred by both Bills to the Governor-General, and to the Governors of Madras and Bombay. The Court of Directors are convinced that this change would greatly impair the chances of good government in India. One of the causes which have most contributed to the many excellences of Indian administration, is that the Governor-General and Governors have always been associated with Councillors selected by the authorities at home from among the most experienced and able members of the Indian service, and who, not owing their appointments to the head of the Government, have generally brought to the consideration of Indian affairs an independent judgment. In consequence of this, the measures of a Government, necessarily absolute, have had the advantage, seldom possessed in absolute Governments, of being always preceded by a free and conscientious discussion; while, as the head of the Government has the power, on recording his reasons, to act contrary to the advice of his Council, no public inconvenience can ever arise from any conflict of opinion. These important officers, who, by their participation in the Government, form so salutary a restraint on the precipitancy of an inexperienced, or the wilfulness of a despotically-tempered, Governor-General or Governor, are henceforth to be appointed by the great functionary whom they are intended to check. And this restraint is removed, when the necessity for an independent Council will be greater than ever, since the power of appointing the Governor-General, and of recalling him, is taken

away from the Company, and from the body which is to be their substitute. It may be added, that the authorities at home have had the opportunity of being acquainted with the conduct and services of candidates for Council from the commencement of their career. The Governor-General or Governor would often have to nominate a councillor soon after their arrival in India, when necessarily ignorant of the character and merits of candidates, and would be entirely dependent on the recommendation of irresponsible advisers.

Another most objectionable provision demands notice, which is to be found only in the second Bill. A commission, appointed in England, is to proceed to India, for the purpose of inquiring and reporting on the principles and details of Indian finance, including the whole revenue system, and, what is inseparably involved in it, the proprietary rights and social position of all the great classes of the community. The Court of Directors cannot believe that such a project will be persisted in. It would be a step towards the disorganization of the fabric of government in India. A commission from England, independent of the local government of the country, deriving its authority directly from the higher power to which the local government is subordinate, and instructed to carry back to the higher power information on Indian affairs which the local government is not deemed sufficiently trustworthy to afford, would give a most serious shock to the influence of the local authorities, and would tend to impress all natives with the belief that the opinions and decisions of the local government are of small moment, and that the thing of real importance is the success with which they can contrive that their claims and objects shall be advocated in England. Up to the present time it has been the practice of the Home Government to uphold in every way

the authority of the governments on the spot; even when reversing their acts, to do so through the governments themselves, and to employ no agency except in subordination to them.

From this review of the chief provisions of the Bills, which embody the attempts of two great divisions of English statesmen to frame an organ of government for India, it will probably appear to the Proprietors, that neither of them is grounded on any sufficient consideration of past experience, or of the principles applicable to the subject; that the passing of either would be a calamity to India; and that the attempt to legislate while the minds of leading men are in so unprepared a state, is altogether premature.

The opinion of your Directors is, that by all constitutional means the passing of either Bill should be opposed; but that if one or the other should be determined on for the purpose of transferring the administration, in name, from the East-India Company to the Crown, every exertion should be used in its passage through committee to divest it of the mischievous features by which both Bills are now deformed, and to maintain, as at present, a really independent Council, having the initiative of all business, discharging all the duties, and possessing all the essential powers of the Court of Directors. And it is the Court's conviction, that measures might be so framed as to obviate whatever may be well founded in the complaints made against the present system, retaining the initiative of the Council, and that independence of action on their part which should be regarded as paramount and indispensable.

COX AND WYMAN, PRINTERS, GREAT QUEEN STREET,
LINCOLN'S-INN FIELDS.



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